## UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

SUSAN DECUYPER,	§	
Plaintiff,	§ §	Case No. 3:13-cv-00850
v.	§	District Judge Campbell/
	§	Magistrate Judge Bryant
AMY FLINN, ROBERT NEBEL,	§	
JOY NEBEL, and SUE RUTA,	§	
	§	
Defendants.	§	
	§	
	§	

## RESPONSE IN OPPOSITION TO MOTION FOR EXTENSION OF TIME

Plaintiff Susan DeCuyper opposes yet another request by defendants for more time to respond in variance to the time already permitted by the Federal Rules of Civil Procedure. In total, since this case began just three months ago defendants have requested and have received from plaintiff and this Court about one month's worth of time extensions. In the meantime this case has become more simplified and the issues less complex, more focused and more defined. Defendants have had enough time.

It is becoming increasingly clear that defendants simply do not want to provide substantive input into this case. Since this action was commenced on August 27, 2013, defendants have been delaying its timely progress over and over again. Whether it be by evading service of process, by failing to timely provide Initial Case Management Plan input or written attorney authorizations to file the same, by seeking to dismiss claims that are clearly allowed by law, or by not timely verifying a party's legal representation (it took defendants a full two weeks to confirm legal representation of an added and similarly situated defendant) everything defendants have done in this case thus far has been geared toward one thing and one thing only: Delay. The record in this action is a testament to this singular goal.

As she has mentioned before, plaintiff is attempting to move this case forward in a timely manner so that the merits of her case, and the concomitant lack thereof vis-à-vis defendants' defenses thereto, can

be addressed and finally decided. Very recent revelations about defendants' conduct in the underlying factual narrative have allowed plaintiff to further streamline and simplify this case, i.e., by removing at this juncture an involuntary plaintiff as a party. It is becoming increasingly clear that defendants' wrongful acts were not acts authorized by the organization they purport to represent. Yet defendants are now jumping on the removal of a nominal third party as yet another excuse to again ask for more time to respond to plaintiff's claims. Plaintiff respectfully requests that the Court not countenance these tactics of delay and DENY defendants' request for more time or further relief.<sup>1</sup>

Respectfully submitted,

By: /s/ Scott D. Johannessen

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Attorney for Plaintiff Susan DeCuyper

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In defendants' latest request for more time they state "Out of an abundance of caution, and due to the length and scope of the plaintiff's amended complaint, defendants will file a Motion for a brief extension to file a timely response to the amended complaint." Defendants made a similar request before from plaintiff and this Court and received over three weeks, and the reason for their request no longer exists.

## **CERTIFICATE OF SERVICE**

Pursuant to Local Rule 5.01, the undersigned hereby certifies that on the 25th day of November 2013 he caused a true and correct copy of the following document:

## RESPONSE IN OPPOSITION TO MOTION FOR EXTENSION OF TIME

to be delivered to the following persons/entities appearing of record herein via electronic mail through the Court's ECF system:

Neil M. McIntire Howell & Fisher, PLLC 300 James Robertson Parkway Nashville, TN 37211

By: /s/ Scott D. Johannessen
Scott D. Johannessen